

Minutes

Amherst Charter Commission meeting of December 19, 2016

Members Present: Andy Churchill, Tom Fricke, Meg Gage, Nick Grabbe, Mandi Jo Hanneke, Irv Rhodes, Julia Rueschemeyer (arrived at 8:22 p.m.), Diana Stein, Gerry Weiss. Members Absent: None.

Consultants: Michael Ward and Tanya Stepasiuk. In attendance: Jeff Blaustein, Marilyn Blaustein, Adam Lussier, Jonathan O'Keeffe, Joan Burgess, Richard Morse, Kitty Axelson-Berry, Maurianne Adams, Larry Kelley, Jackie Churchill, Shavahn Best, Janet McGowan.

AGENDA

1. Call to order, approve agenda, approve minutes (5 minutes)
2. Member updates (10 minutes)
3. Continue deliberating on Citizen Participation/Relief, Executive, and Legislative elements (3 hours, 15 minutes)
4. Public comment (15 minutes)
5. Schedule for upcoming meetings (15 minutes)
6. Topics not reasonably anticipated by the Chair 48 hours prior to the meeting
7. Adjourn

The meeting was called to order at 5:35 p.m. in the Police Station Community Room. The minutes of the Dec. 12 meeting were approved with amendments. Gage said the listening sessions upcoming on Jan. 17, 26 and 31 will be more focused perhaps include participatory budgeting. Grabbe said he wants to be able to engage with participants more than in the past.

Each member spoke about what kind of governmental structure they would like to see.

Weiss spoke about a common form of government in Connecticut, an elected three-member Board of Selectmen with the first selectman being the one with the highest number of votes and acting as a virtual mayor, plus a Town Meeting.

Gage: Doesn't want to make the rancor currently existing in town worse. Cited other current problems, such as costs driving out lower-and-middle-income families. We need to find a way to talk with one another and to get people to listen. Proposed a town manager and a strengthening of the Select Board, an elected Planning Board, 10-person advisory boards for planning and the schools, a 150-member Town Meeting that meets four times annually, neighborhood councils, participatory budgeting, a community liaison position, and review of the master plan.

Churchill called Gage's plan "very thoughtful" and said it includes "a lot we can agree on." Fricke asked why she chose 150 as the number of Town Meeting members. Gage said she was looking for a number that was as small as possible while still being Town Meeting.

Hanneke: Supports a council. Town Meeting works for people who can be there and doesn't work for those who can't. It's a participation-based government. There's little opportunity for people to be represented and make their representatives aware of their preferences. Many people don't have time to show up, rather than vote or call someone. We need to improve the legislative function. Not sure there's a way to solve these problems within Town Meeting. Thinking about ways to address zoning in a council. Supports a mayor at this point, but not completely sure on that, plus participatory budgeting, petition, initiative, referenda, recall, participatory planning, and public hearings on budgets and schools early in the process. A community liaison person could recruit volunteers, and likes neighborhood councils, as in Ithaca and Rochester. Supports a part-elected planning board and suggests that zoning changes have to

pass two consecutive legislative sessions or require referenda; also, consider sunset clauses for zoning. Thinking about having mayor on School Committee and shrinking size of Planning Board.

Churchill: Cites big challenges as housing, taxes, capital projects, development, and town-gown relations, and says we don't have a structure to discuss and resolve them. Citizens don't know who represents them or how to make voices heard. Structure too diffuse to provide leadership, and legislature largely self-appointed with little accountability to voters. Proposes a mayor/council with a few seats at large and district councilors as conduit of information to and from Town Hall; committees to recommend and review policies; annual public hearings on key issues (budget/state of Amherst, planning/zoning/land use, schools); participatory budgeting and planning. Sees citizen participation director as a part- or full-time job. In favor of mayor sitting on School Committee.

Stein: Town Meeting serves as check and balance in way Council doesn't. Problem with ward representation is ward councilors don't look at what's good for the whole town. Would be OK with 150-member Town Meeting. Likes Connecticut model of first selectman acting as a mayor. Supports manager for professional expertise and training and being removed from political process. Managers can take a long-range view, as with John Musante suggesting a solar farm on the old landfill. Waiting two or three years to reject an unpopular incumbent is "not satisfactory."

Fricke: Likes council as an opportunity for constituent-based participation of voters. Lots of residents are tuning out in elections because there are so many names on the ballot who are not clearly differentiated in voters' minds. If Town Meeting is reduced in size, it would need to get to a number where voters could keep their eyes on them and communicate with them, as in a council of 15. The potential for diversity is strong, with stipends, child care, web access, an engagement officer, and leadership development or seminar in how to get involved. The council would be a deliberative body where conversation takes place, meets regularly and can come back to issues, not for "one high-stakes moment." A council on the larger size would help fight capture by special interests. In favor of having mayor on School Committee.

Grabbe: Agrees with Churchill, Fricke, and Hanneke on mayor/council and says that mechanisms can be put in place to increase citizen participation in government from where it is now. Favors a council size of nine, because that's a good size for back-and-forth dialogue, but wouldn't be surprised if the commission favors a larger one. Says the community engagement director could, with the mayor, write a weekly email to residents about what's happening in Town Hall and encourage responses. Suggests 30-member council advisory committee, initially made up of the top Town Meeting vote-getters in each precinct over the past three years, and passes out sheet with the names of those top vote-getters over the past three years.

Weiss: Town Meeting has become difficult for people to be in; more politicized than in the 1980s and is too long. Cited a person who said that if its culture would change, he'd rejoin. Cited the Brookline moderator, who suggested that Amherst has a cultural problem rather than a governmental problem. Suggests having 220 seats, with 20 at large, could go lower. Suggests circulating members' email addresses and addressing length by rules for making motions from the floor. Likes Brookline's ideas of a 30-member advisory committee and subcommittees. Wants to explore "strong" Select Board chairs, as in many Connecticut towns, moving licensing to town departments, a Planning Board chosen by both the Select Board and Town Meeting.

Rhodes: His priorities are accountability and responsibility. It's difficult to have 240 people accountable. Are Town Meeting members accountable to themselves or to citizens? At Town Meeting, only 84 members can block zoning. Wants council of at least 12, with two at large. Wants citizens to be able to vote for a mayor, and to vote him/her out. The council should have clear duties and work as a team with the mayor, and confirm Planning Board and ZBA appointments. Terms would be three years and a limit

of three terms. Calls elected Planning Board problematic, because citizens would need lots of education to know what the Planning Board does.

PUBLIC COMMENT

Kelley said the last charter commission was 7-2 in favor of change, and the two dissenters acted as “saboteurs.” Said he’s comfortable with 5-3 vote and that a good charter is better than a consensus.

O’Keeffe: Was on the Planning Board for six years, and had no expertise beforehand and many members face a steep learning curve. Favors electing all members. The energy of the 200 people who come to Town Meeting 15 nights a year could be redirected to active engagement elsewhere, such as on committees. Rhodes said if the planning board were elected, a lot of education would have to take place. Churchill suggested a hybrid, and Ward said there are such splits on other boards, but isn’t sure about planning. Hadley and South Hadley have elected Planning Boards.

Adams: The critique of the Planning Board is that there’s not enough planning behind zoning proposals. The zoning function could be elsewhere. Planning must be representative of the lives it affects as well as of developers. The lack of accountability at Town Meeting comes from a failure of precinct meetings prior to elections. From the beginning, the buzz around town was that the commission wants to get rid of Town Meeting. There are many ways to improve Town Meeting.

Churchill said the TMCC is operating on a parallel track, with recommendations focused on improving Town Meeting. Something similar happened in Framingham, where proponents shrank the size of Town Meeting; that town’s voters will choose between that improved version of Town Meeting and the charter commission’s proposal for a mayor/council form of government.

CONTINUED DELIBERATIONS

After a 10-minute break, Gage said a council might be able to move quickly, and have fewer people to bring up to speed, but would probably be less diverse than Town Meeting because it would be more demanding. Hanneke responded that since a council would have fewer members, it would be more responsive to the people electing it; members would have to listen to voters or face competition. Fricke asked what form of government makes responsiveness and accountability most likely. A ballot with a large number of candidates without good information confuses voters. “A large number doesn’t mean a multiplicity of voices.”

Grabbe: The mayor of Greenfield faced stiff competition from a political newcomer in the last election. Town Meeting advocates can’t say that it represents a cross-section of Amherst, or that members are democratically elected, or that it is a check on the executive, or that debate is always civil. “Is it just that Town Meeting is a large group of people? Is it nostalgia for a 1960s vision of what a small town looks like? I suspect that the reason some people like Town Meeting is that it’s a way to participate in town government without having to put in the time it takes to be on the Select Board.” That civic involvement can be duplicated in a mayor-council system.

Rhodes: 240 members is small compared to the population of registered voters. He’s a “walking example” of public accountability because he was voted off the School Committee because of one of his votes. Also, neighborhoods matter and should be represented somehow.

Weiss: Town Meeting gives more people who are affected by laws the ability to decide them, and gets the governed talking to the governors. People came to my house after the school vote Nov. 14 who were upset, while others thank him for his service. “People like having someone else do the work.”

Stein: "Town Meeting educates in a way that a council won't." Where else can that many people be involved in a critical issue?

Churchill: 240 Town Meeting members is a small portion of our 19,000 voters. There are a lot of people who aren't involved, don't understand what's going on, and don't feel like their voices matter. There are different ways that those 240 people can be involved.

Hanneke: Why must you join government to have a say in it? Why is that better than constituent-based government? A council is more likely to discuss issues in depth; it can table issues and come back to them, unlike Town Meeting. It can use the research of committees.

Weiss: How has Amherst been negatively affected by the lack of constituent-based government?

Hanneke: Residents feel their votes don't matter.

Grabbe: Elections are important not only to choose office-holders but to measure public opinion, and Amherst currently has no way to do that. In response to Weiss, Amherst has very high expectations for government, as shown by per-pupil expenses that are among the highest in the state, and teacher-student ratios that are among the lowest, and yet half the land is exempt from property taxes and the town has a tiny business sector compared to Northampton and Greenfield. The inevitable result is high residential taxes, tight budgets, and problems funding infrastructure improvements.

Stein: People who have lived with both systems say they knew more about government and could effect change better with a Town Meeting system.

Churchill: We're not making progress on proposing solutions to our significant problems, such as taxes, development, housing, town-gown relations, and middle-income housing. "I don't see us doing that soon if we stick with what we have."

Gage: Why isn't town leadership bringing forth proposals? People don't want to give up Town Meeting and worry about a more streamlined process. The Select Board should delegate more administrative things so they could spend more time on important things.

Grabbe: The reason that Amherst is losing young families is that we haven't kept up with the demand for housing, and the resulting low vacancy rate has made it profitable for speculators to buy up houses as they go on the market, preventing young families from buying them and driving the price up.

Rhodes: We need to come to a decision tonight. Makes motion in favor of a mayor/council form of government with a robust citizen participation mechanism. Weiss questioned having a vote without Rueschemeyer present. Stepasiuk said it would be just a straw vote.

Hanneke said she favors a mayor because of political accountability, and Grabbe agreed. Gage said a mayor/council would have less chance of passage than a mayor/manager.

Churchill: Mayor-council is not a foreign system in the region – just in our area we have Northampton, Greenfield, and Easthampton, and people can look at them and see that they seem to be doing okay.

Rueschemeyer joined the meeting at 8:22 p.m. after being delayed by an accident returning to Amherst from Providence. She voted no on Rhodes' motion, saying she wants to investigate the Connecticut system of a first selectman and modified Town Meeting. Stepasiuk said if the first selectman is separately

elected, he or she is essentially a mayor, and that's not a form that's available. Rueschemeyer said she talked to someone at the attorney general's office and didn't get a clear answer. Hanneke said such a system would still have a warrant and only yes-no powers for Town Meeting, which couldn't set its own agenda.

The commission voted 5-4 in support of Rhodes' motion, with Churchill, Hanneke, Grabbe, Fricke and Rhodes voting yes and Weiss, Gage, Stein and Rueschemeyer voting no.

Ward gave the commission information on “sub-decisions.” These would include, for a council, the number of members, how many would be at large and how many representing districts, and terms of office. Gage favored at large. Hanneke asked if the precincts could be redrawn, and Stepasiuk said, “You have to work with what you've got.”

Churchill suggested pairing the 10 existing precincts to form five wards, each of which would be represented by two councilors, forming a “buddy system” and a diversity of views. He favors 13 members, with three at-large. Fricke said he leans to a larger council, but beyond nine members it's hard to deliberate. Rhodes favored having one councilor per precinct with two at large and a tie-breaking mechanism. Gage favored 15 councilors.

Ward said terms of office can be 2, 3, or 4 years. Other sub-decisions include election of officers, compensation for expenses, times of meetings, procedures for passage of ordinances, filling vacancies, and review of appointments.

Ward said he will send out sample charters, and said “there's a lot of room for creativity.” He will keep an eye out for ways to integrate the commission's ideas into the charter, such as a citizen engagement director, which could appear as a mayoral appointment, or participatory budgeting in the financial procedures section.

Gage asked if a mayoral appointee would lose his or her job if another mayor is elected. Stepasiuk said usually the mayor appoints a chief of staff, but a police chief is under contract and is not a political appointee.

The next meeting was scheduled for Jan. 5 at 7:15 p.m.

Respectfully Submitted,
Nick Grabbe, Clerk

Documents Presented:

- Proposals for new government structures by Weiss, Churchill and Gage
- Grabbe's list of 30 names of the top Town Meeting vote-getters in each precinct over the past three years.
- Ward's memo on Major Decision Items Within Executive and Legislative Articles